

Furthermore, Applicants respectfully note that the right to petition the present restriction requirement may be exercised at any time during the pendency of this case prior to appeal. *See*, 37 C.F.R. §1.144.

In the above-identified application, a 4-way restriction requirement was made with regard to pending claims 1-71. Applicants hereby elect, with traverse, to prosecute Group I, claims 1-26. Applicants respectfully traverse because a simpler grouping of claims can be made without undue examination burden.

The claims are restricted into four groups as follows:

- I. Claims 1-26, drawn to methods of high throughput mass spectrometry.
- II. Claims 27-43, drawn to methods of monitoring products or reactants by high throughput mass spectrometry.
- III. Claims 44-63, drawn to a high throughput mass spectrometry apparatus.
- IV. Claim 64-71, drawn to methods of analyzing a plurality of components using tagged components.

Applicants respectfully submit that a simpler grouping can be made and searched without undue burden. Therefore, Applicants respectfully request that Groups I and II be rejoined, resulting in three groups as follows:

Claims 1-43, drawn to methods of high throughput mass spectrometry
Claims 44-63, drawn to a high throughput mass spectrometry apparatus
Claims 64-71, drawn to methods of analyzing using tagged components

The above grouping results in three groups that can each be searched and examined without undue burden.

It is alleged that the methods of Groups I and II are two distinct methods because they allegedly have different steps and different results and require different reagents and conditions. Applicants respectfully submit that Groups I and II should be rejoined because a search of these claims would be co-extensive. In fact, the restriction admits to some similarities between Groups I and II, e.g., that both involve the use of cells and can be practiced using the apparatus of Group III. In addition, Applicants respectfully point out that both methods involve growing cells and purifying them in an off-line parallel process. Furthermore, both methods involve performing mass spectrometry to analyze the purified components. Applicants respectfully note that

according to MPEP § 803, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions. Groups I and II are drawn to closely related methods that both relate to off-line parallel purification of non-column separated samples, e.g., cell colonies, that are analyzed by high throughput mass spectrometry. The search terms for these two groups of claims are therefore co-extensive. For example, the claims of Groups I and II can be co-extensively searched, e.g., using the terms "mass spectrometry," "high throughput," "cell," and "purification." Therefore, Applicants respectfully traverse the restriction requirement and ask that Groups I and II be rejoined.

In addition to the restriction requirement, the Examiner has also required that a number of species elections be made for the pending claims. As Applicants are electing Group I with traverse, and have requested that Groups I and II be rejoined, the species election for both Groups I and II are addressed below.

The Action required the following species election for Group I:

- A. a method of purifying components from cells
- B. a species of non-column-separated components
- C. a species of activity for the non-column separated component
- D. an environment in which step (ii) is performed (e.g., as listed in claim 12)
- E. a species from which components are produced (e.g., as listed in claim 13)

Applicants hereby elect from groups A through E as follows:

From Group A, Applicants elect organic solvent extraction.

From Group B, Applicants elect products of an enzyme catalyzed reaction.

From Group C, Applicants elect screening for the presence of the one or more non-column separated component (Per a discussion with Examiner Prasthofer on August 31, 2001)

From Group D, Applicants elect a volatile buffer.

From Group E, Applicants elect a cell lysate.

The Action required the following species election for Group II:

- A. a species of related gene sequences
- B. a species of products or reactants
- C. a method of purifying samples from a biological matrix

Applicants hereby elect from groups A through C as follows:

From Group A, per a discussion with Examiner Prasthofer on August 31, 2001

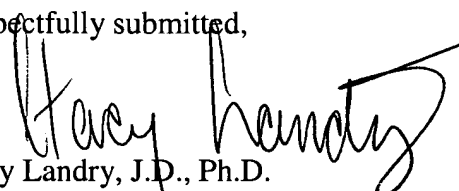
Applicants are not required to elect a species from this group.

From Group B, Applicants elect products of an enzyme catalyzed reaction.

From Group C, Applicants elect organic solvent extraction.

In summary, Applicants respectfully traverse the restriction requirement and respectfully request that Groups I and II be rejoined as explained above.

Respectfully submitted,



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